IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6112 OF 2005

Machindra Govinda Jadhav ..Petitioner.

Vs.

The State of Maharashtra & Ors. ..Respondents.

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Mr. S.S. Salunkhe for the Petitioner.

Mr. C.R. Sonawane, Assistant Government Pleader for the State.

Mrs. Nayana Gunde, District Resettlement Officer, Solapur present.

Mr. D.P. Bhaledar, Special Land Acquisition Officer No.3 present.

Mr. S.D. Chopade, and Mr. D.D. Rathod, Executive Engineers, Bhima Vikas Vibhag No.2, Solapur present.

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CORAM: KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

27th March, 2006.

P.C. :

In pursuance to the order dated 20th February, 2006, the concerned Respondents have remained present. The learned Assistant Government Pleader after taking instructions from them has stated that the land of the Petitioner admeasures 2 Hectares .02 Ares

in Gat No. 304 was initially acquired on 12th March, 1976 and compensation for the same of Rs.6388.25 was paid on 19th March, 1976. He has further stated that except 0.51 Ares the rest of the land has been distributed to project affected persons. The Petitioner does not dispute the acquisition of the land as well as the payment of compensation. In the year 1984, further 32 Ares of land belonging to the Petitioner was acquired. The learned counsel states that the Petitioner accepts the statement and also states that the compensation for the same has also been paid. The Learned Assistant Government Pleader then made a statement that in the year 1985, 1 Hectare and 64 Ares of land belonging to the Petitioner was acquired. He, however, states that the records with respect to those proceedings are not traceable at present. He has stated that in view of this he is not in a position to make a statement viz. as to whether the Petitioner has been paid compensation for the same or not. The learned counsel appearing for the Petitioner has stated that with respect to 1985 acquisition the Petitioner has not been paid any amount of compensation. In view of this, we give the following directions :

i) The Respondents are directed to make an effort to trace out the papers of 1985 acquisition, in any event, within a period of two months from today. Unless it emerges from the documentary material that the award was declared and that the Petitioners are paid compensation, the Respondents shall declare the award within a period of two months thereafter on the basis of the present market value together with interest at the rate of 12 % in accordance with law from the date when the possession is taken;

ii) The Respondents are directed to make the payment of compensation within two months from the date of declaration of the award;

iii) The learned counsel appearing for the Petitioner states that it is not necessary for the Respondents to issue the fresh notification under Section 4 or 6 of the Land Acquisition Act.

With the above directions, the Petition stands disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.